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Golden Rules of Privacy: Pharmacy Checklist

This checklist is designed to provide you with useful steps to understand your obligations under the *Privacy Act 1988* (Cth). It is also designed to provide you with a number of strategies to help mitigate the risks associated with patient privacy and data collection.

☑ Manage all personal information in an open and transparent way with no surprises.

For guidance on how to manage the personal information you collect, please refer to our Insight addressing privacy protection available here.

☑ Collect only the personal information needed. Don't take what you don't need.

☑ Have clear and concise policies on the handling and storage of personal information. Ensure these policies:

- Reflect your practices; and
- Are included in your staff training so your staff understand their obligations.

☑ Use a privacy collection notice at each point of collection of personal information. The collection notice must clearly articulate the purpose for which the personal information is being collected.

☑ Understand when it is appropriate to collect, use and disclose personal information.

It is important to understand that even though you hold personal information you are not permitted to use that information for any purpose. If your intended use of the personal information does not fit within the consent provided at the time of collecting the information, then the proposed use should be reconsidered.

☑ Where possible, obtain consent from the individual whose personal information is being collected.

For this consent to be valid, it must be:

- **Informed.** The individual must be adequately informed before giving the consent;
- **Voluntary.** The individual must be given a genuine opportunity to decline;
- **Current and specific.** Consent should not be requested for undefined future uses; and
- The individual must have **capacity** to understand and communicate their consent.

☑ Ensure you are informed about privacy.

Privacy is everyone's responsibility and is constantly evolving as technology evolves. It is dangerous to assume that your partners and service providers are doing the right thing.

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☑ As part of keeping the personal information of your customers secure and free from misuse or authorised access, it is important that you are aware of and understand the data storage and security practices of any service providers you engage.

☑ Personal information should not be held indefinitely.

Once personal information no longer required for the purpose for which it was collected, and provided you have complied with the minimum time periods specified in various record keeping laws, you should delete or de-identify that personal information.

☑ In the unfortunate event of a reportable data breach occurring, the OAIC will look favourably on preventative measures you or your business has taken, including:

- introducing strong privacy policies and procedures governing how your business handles and stores personal information;
- embedding policies and practices into your everyday practice;
- ensuring staff are adequately trained on these policies; and
- conducting regular reviews and updates to the policies.

For advice on your privacy obligations when handling personal information or assistance in reviewing your privacy practices and policies, please contact Special Counsel, Hayley Bowman.

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